

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA :**

**v.**

**: CRIMINAL NO. 97-359-03**

**NICHOLAS ALBANESE :**

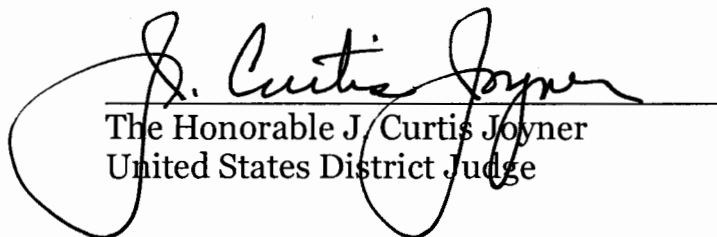
**ORDER**

AND NOW, this 8<sup>th</sup> day of July, 2014, upon consideration of the government's motion to dismiss the defendant's motion under 28 U.S.C. § 2255 as untimely, it is hereby

**ORDERED**

that the motion is GRANTED. The motion was filed over 12 years and 9 months after the deadline set forth in 28 U.S.C. § 2255 expired, and the defendant is not entitled to equitable tolling, as he faced no impediment in researching or presenting a claim, and also did not exercise reasonable diligence.

BY THE COURT:

  
The Honorable J. Curtis Joyner  
United States District Judge